

Amy J. Pattillo, Patent Attorney
P.O. Box 161327
Austin, Texas 78716
PHONE# 512-402-9820
FAX # 512-306-0417

RECEIVED
CENTRAL FAX CENTER
SEP 13 2005

DATE: 9/13/2005

Number of Pages to Follow (including cover sheet) 27

SEND TO: United States Patent Office
Examiner: Edward Raymond
Group Art Unit: 2565
Tel No: _____
Fax #: 571-273-8300

FROM: Amy J. Pattillo
Tel No: 512-402-9820

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

Docket No. AUS920040029US1 Serial No. 10/761,164 Atty: AJP

Applicant: BROWN ET AL

<input checked="" type="checkbox"/> Transmittal Letter	<input checked="" type="checkbox"/> Certificate of Facsimile
<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Amendment AF	<input type="checkbox"/> Appeal Brief (3 copies)
<input type="checkbox"/> Ext. of Time	<input type="checkbox"/> Reply Brief
<input type="checkbox"/> IDS Statement	<input type="checkbox"/> Change of Address
<input type="checkbox"/> Other _____	

Deposit Acct. No. 09-0447

Fees: Amendment ☒ Notice of Appeal ☐ Appeal Brief ☐ Other ☐

PTO/SB/21 (09-04)

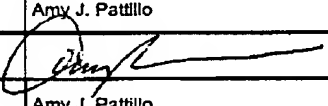
Approved for use through 07/31/2006, OMB 0651-0031


U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	Application Number	10/761,164	
	Filing Date	1/20/2004	
	First Named Inventor	Cruz et al.	
	Art Unit	2857	
	Examiner Name	Edward Raymond	
(to be used for all correspondence after initial filing)		Attorney Docket Number	AUS920040029US1
Total Number of Pages in This Submission			

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The Commissioner is authorized to charge payment of any necessary fees or credit any overpayments to deposit account 09-0447		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Amy J. Pattillo	
Signature		
Printed name	Amy J. Pattillo	
Date	9/13/2005	Reg. No. 46,983

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Amy J. Pattillo
Date	9/13/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT
10/761,164
RECEIVED
CENTRAL FAX CENTER

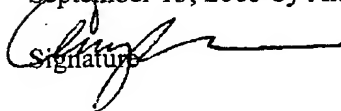
SEP 13 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Francis De La Cruz et al. Serial No.: 10/761,164 Confirmation Number: 2565 Filed: 1/20/2004 Title: REMOTE ENTERPRISE MANAGEMENT OF HIGH AVAILABILITY SYSTEMS Docket: AUS920040029US1	: Before the Examiner: : Raymond, Edward : Group Art Unit: 2857 : Amy J. Pattillo : P.O. Box 161327 : Austin, Tx 78716 : 512-402-9820
---	---

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office at facsimile number 571-273-8300 and to the attention of Examiner Raymond on September 13, 2005 by Amy J. Pattillo.


Signature

9/13/05
Date

REPLY AND AMENDMENT UNDER 37 C.F.R. § 1.111

Mail Stop Box Non-Fee Amendment (Pats)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

AUS920040029US1

1

PATENT
10/761,164

A. INTRODUCTORY COMMENTS

Responsive to the Office Action of June 13, 2005, Applicants respectfully request reconsideration of the outstanding rejections and reexamination of the present application in light of the following amendments and remarks.

Amendments to the Specification begin on page 3.

Amendments to the Claims begin on page 4.

Arguments begin on page 15.

AUS920040029US1

2